

REMARKS

Claims 1-10, 12-18, and 30-36 are pending in this application. Claims 11, 19, 20, and 37-39 have been canceled. The amendment to claim 1 simply removes "or pervasive development disorder", as suggested by the examiner and examiner's supervisor. The amendment to claim 4 corrects a typographical error by removing "re" and replacing it with "per", again as suggested by the examiner and examiner's supervisor. This amendment adds no new matter.

The inventions in this patent application include methods of treating patients exhibiting one or more symptoms of autistic disorder.

35 U.S.C. §112, ¶1

The Office action rejects claims 1-20 under 35 U.S.C. §112, ¶1, as allegedly lacking enablement for "the spectrum of disorders under the heading of pervasive development disorder (PDD)" (Office action at page 2). However, the Office action prefaces this with the following statement: "Claims 1-20...while being enabled for autism" (Office action at page 2). In a telephone interview with examiner Chism and examiner supervisor Brumback on January 6, 2004, agreed that claim 1 would be allowable providing that claim were amended to remove "or pervasive development disorder". Accordingly, applicants have made precisely this amendment, and believe that this amendment should obviate this ground of rejection not only for independent claim 1, but also for pending claims 2-10 and 12-18, which depend, either directly or indirectly, from claim 1. Although applicants disagree that the specification is not enabling for pervasive development disorder, to advance prosecution applicants have made the above amendment. This amendment is made without prejudice, and applicants reserve the right to pursue claims pertaining to pervasive development disorder (PDD) in the future in a related patent application.

The Office action also rejects claim 11 under 35 U.S.C. §112, ¶1, as allegedly lacking enablement for "transdermal administration of secretin by methods of acoustic waves" (Office action at page 3). Although applicants disagree with this conclusion, to advance prosecution applicants have canceled claim 11. The Office action also rejects claims 37-39 because they

depend from rejected claim 11 (Office action at page 4). Again, although applicants disagree that these claims are not allowable, to advance prosecution applicants have also canceled claims 37-39. These cancellations are done without prejudice, and applicants reserve the right to pursue these or similar claims in the future in a related patent application.

In light of the above amendment and cancellations, applicants respectfully request that these grounds for rejection be withdrawn.

35 U.S.C. §112, ¶2

The Office action rejects claims 19 and 20 under 35 U.S.C. §112, ¶2, as allegedly being indefinite for lacking "method steps" (Office action at page 3). Although applicants disagree with this conclusion, to advance prosecution applicants have canceled claim 19 and 20. These cancellations are done without prejudice, and applicants reserve the right to pursue these or similar claims in the future in a related patent application.

The Office action rejects claim 4 under 35 U.S.C. §112, ¶2, as allegedly being indefinite for the "recitation of "re" wherein the claim should read "per"" (Office action at page 3). Applicants agree with the examiner that this typographical error should be repaired by replacing "re" with "per" to conform with the correct wording of original claim 4.

In light of the above cancellations, applicants respectfully request that this ground for rejection be withdrawn.

Conclusion

Based on the telephone interview between applicants and examiner Chism and examiner supervisor Brumback on January 6, 2004, it is applicants' understanding that the amendments and cancellations made in this reply obviate all existing grounds for rejection of the currently pending claims. For that reason and the other reasons stated above, applicants respectfully request the withdrawal of all grounds for rejection leveled against pending claims 1-10, 12-18, and 30-36, and further request their prompt allowance.

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Enclosed is a \$475 check for the Petition for Three-Month Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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